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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,918	12/27/2001	Michael L. Heubel	010413	8051

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EXAMINER

GRIER, LAURA A

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,918

Applicant(s)

HEUBEL ET AL.

Examiner

Laura A Grier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 12/27/01 has been considered by the examiner.

Specification

2. The disclosure is objected to because of the following informalities: page 4, paragraph 0017, line 4 recites "comtinuous", the suggested spelling is -- continuous --.

Appropriate correction is required.

3. The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery. See 37 CFR 1.75. The correction of the following is required:

Claim 9, line 7, recites "the storage device". There is insufficient antecedent basis for this limitation.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-14** are rejected under 35 U.S.C. 102(e) as being anticipated by Eiche et al.,

Pub. No.: US20020137505.

6. Regarding **claim 1**, Eiche et al. (herein, Eiche) disclose an audio detection for hands-free wireless (figures 3, 12, and 14-15). Eiche's disclosure comprises an audio detection subsystem (1200) of a wireless communication system of vehicle (302) for receiving an audible signal, which reads on an audio signal detector;

the audio detection system comprises a frequency detector implemented by programming code in microprocessor(s) - (320/328), wherein the programming code determines if audible frequencies are contained in the received signal, and if audible frequencies (component of the audio signal) are determined, then a mute signal is provided by the audio detection subsystem to the audio entertainment system (373) of the vehicle, which reads on a processor in communication with the detector (paragraphs 0115-0118), wherein is inherent that the microprocessor compares the received signal with predetermined audio signal generated by a device and in which the predetermined audio signal is stored in memory as evident by the fact that audible frequencies are analyzed to determined if the received signal is among the human hearing frequency range, wherein the programming code and other processing data in relation to the microprocessor is stored in a memory (324/340) (page 5, paragraph 0046, lines 15-19 and page 7, paragraph 0058, lines 23-29).

Regarding **claim 2**, Eiche discloses everything claimed as applied above (see claim 1).

Eiche discloses the audio detection system including a transducer as evident that audio detection system is coupled to a telephone which transmits the received signal to the audio detection

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system, wherein the telephone comprises both a microphone and speaker (page 2, paragraph 0015 and page 4, paragraph 0039 – last sentence).

Regarding **claim 3**, Eiche discloses everything claimed as applied above (see claim 1). Eiche further discloses the audio detection system (figure 12) comprising an amplifier (1204), which reads on an amplifier in communication with the audio signal detector.

Regarding **claim 4**, Eiche discloses everything claimed as applied above (see claim 1). Eiche further indicates the a CODEC (figures 3-4B – reference 336, paragraph 0075) coupled to the telephone system wherein the audio detection unit is coupled to the telephone, which reads on an analog-to-digital converted in communication with the audio signal detector.

Regarding **claim 5**, Eiche discloses everything claimed as applied above (see claim 1). Eiche inherently discloses the predetermined audio signal being a ring signal as evident by the fact that audible frequencies of the received audible may contain a ring signal (page 17, paragraph 0018, last sentence).

7. Regarding **claim 6**, Eiche disclose an audio detection for hands-free wireless (figures 3, 12, and 14-15). Eiche's disclosure comprises an audio detection subsystem (1200) of a wireless communication system of vehicle (302) for receiving an audible signal, which reads on means of detecting an audio signal;

the audio detection system comprises a frequency detector implemented by programming code in microprocessor(s) - (320/328), wherein the programming code determines if audible frequencies are contained in the received signal, and if audible frequencies (component of the audio signal) are determined, then a mute signal is provided by the audio detection

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subsystem to the audio entertainment system (373) of the vehicle, which reads on means of storing, comparing and generating a mute signal (paragraphs 0115-0118), wherein is inherent that the microprocessor compares the received signal with predetermined audio signal generated by a device and in which the predetermined audio signal is stored in memory as evident by the fact that audible frequencies are analyzed to determined if the received signal is among the human hearing frequency range, wherein the programming code and other processing data in relation to the microprocessor is stored in a memory (324/340) (page 5, paragraph 0046, lines 15-19 and page 7, paragraph 0058, lines 23-29).

Regarding **claim 7**, Eiche discloses everything claimed as applied above (see claim 1). Eiche further discloses the audio detection system (figure 12) comprising an amplifier (1204), which reads on an amplifier in communication with the audio signal detector.

Regarding **claim 8**, Eiche discloses everything claimed as applied above (see claim 1). Eiche further indicates the a CODEC (figures 3-4B – reference 336) for digitizing an analog signal (paragraph 0075), which reads on converting a detect audio signal to a digital signal.

8. Regarding **claim 9**, Eiche et al. (herein, Eiche) disclose an audio detection for hands-free wireless (figures 3, 5, 12, and 14-15). Eiche's disclosure inherently discloses a transducer remotely detecting an audio signal as evident by the fact that a telephone signals a control signal via the pocket (104) to the microprocessor (320) indicating that a call is in progress (paragraph 0075); amplifier (318) is connected thereto to amplify the detect audio signal, a CODEC for digitizing the audio detected signal; memories 320/324 are coupled thereto in relation to the microprocessors;

a DSP (328) is coupled to the memory (324) and with the DSP being programmed to recognize the message sent from the telephone in order to mute the audio system of the vehicle, which reads on a digital signal processor, wherein is inherent that the DSP/microprocessor compares the digitized received signal with a digitized predetermined audio signal generated by a device and in which the predetermined audio signal is stored in memory as evident by the fact that audible frequencies are analyzed to determined if the received signal is among the human hearing frequency range, wherein the programming code and other processing data in relation to the microprocessor is stored in a memory (324/340) - (page 5, paragraph 0046, lines 15-19 and page 7, paragraph 0058, lines 23-29).

9. Regarding **claim 10**, Eiche disclose an audio detection for hands-free wireless (figures 3, 12, and 14-15). Eiche's disclosure comprises an audio detection subsystem (1200) of a wireless communication system of vehicle (302) for receiving an audible signal, which reads on detecting an audio signal;

the audio detection system comprises a frequency detector implemented by programming code in microprocessor(s) - (320/328), wherein the programming code determines if audible frequencies are contained in the received signal, and if audible frequencies (component of the audio signal) are determined, then a mute signal is provided by the audio detection subsystem to the audio entertainment system (373) of the vehicle, which reads on storing, comparing and generating a mute signal (paragraphs 0115-0118), wherein is inherent that the microprocessor compares the received signal with predetermined audio signal generated by a device and in which the predetermined audio signal is stored in memory as evident by the fact

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that audible frequencies are analyzed to determined if the received signal is among the human hearing frequency range, wherein the programming code and other processing data in relation to the microprocessor is stored in a memory (324/340) (page 5, paragraph 0046, lines15-19 and page 7, paragraph 0058, lines 23-29).

10. Regarding **claim 11**, Eiche et al. (herein, Eiche) disclose an audio detection for hands-free wireless (figures 3, 12, and 14-15). Eiche's disclosure comprises an audio detection subsystem (1200) of a wireless communication system of vehicle (302) for receiving an audible signal, which reads on an audio signal detector;

the audio detection system comprises a frequency detector implemented by programming code in microprocessor(s) - (320/328), wherein the programming code determines if audible frequencies are contained in the received signal, and if audible frequencies (component of the audio signal) are determined, then a mute signal is provided by the audio detection subsystem to the audio entertainment system (373) of the vehicle, which reads on a processor in communication with the detector (paragraphs 0115-0118), wherein is inherent that the microprocessor compares the received signal with predetermined audio signal generated by a device and in which the predetermined audio signal is stored in memory as evident by the fact that audible frequencies are analyzed to determined if the received signal is among the human hearing frequency range, wherein the programming code and other processing data in relation to the microprocessor is stored in a memory (324/340) - (page 5, paragraph 0046, lines15-19 and page 7, paragraph 0058, lines 23-29).

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Regarding **claim 12**, Eiche discloses everything claimed as applied above (see claim 11).

Eiche discloses a entertainment system (373) which may include a stereo system or any other system capable of providing a audio and/or audio-visual content (page 6, paragraph 0052, lines 12-14) which reads on the device is among the group consisting of a radio, a stereo system, a CD player and a DVD player.

Regarding **claim 13**, Eiche discloses everything claimed as applied above (see claim 11).

Eiche inherently discloses a muting on/off switch as evident by the fact that the telephone and the vehicle entertainment system can be muted via muting control signals (page 5, paragraph 0045, lines 18-23, and mute auto system (figure 3, reference 373).

Regarding **claim 14**, Eiche discloses everything claimed as applied above (see claim 11).

Eiche inherently discloses a training mode on/off switch as evident by the fact that the communication system is capable of be programmed to convey this types of messages between the telephone and docking stations for audible voice command control of the telephone (page 11, paragraphs 0081-0082).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG

June 12, 2004

